

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
August 1, 2018

The Lake County Planning and Zoning Board met on Wednesday, August 1, 2018, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, August 21, 2018 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

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| Kathryn McKeeby, Secretary | District 1 |
| Laura Jones Smith, Chairman | District 2 |
| Lawrence "Larry" King | District 3 |
| Rick Gonzalez | District 4 |
| Jeff Myers | District 5 |
| Kasey Kesselring | At-Large Representative |

Members Not Present:

| | |
|-----------------------------|--------------------------------|
| Sandy Gamble, Vice-Chairman | School Board Representative |
| Donald Heaton | Ex-Officio Non-Voting Military |

Staff Present:

Steve Greene, AICP, Chief Planner, Office of Planning & Zoning
Michele Janiszewski, Chief Planner, Office of Planning & Zoning
Ken Johnson, Senior Planner, Office of Planning & Zoning
Matthew Moats, Assistant County Attorney
Donna Bohrer, Public Hearing Associate, Office of Planning & Zoning
Debi Dyer, Office Associate III, Office of Planning & Zoning
Josh Pearson, Administrative Specialist, Board Support

Chairman Laura Jones Smith called the meeting to order at 9:00 a.m., noted that a quorum was present and led the Pledge of Allegiance.

MINUTES

MOTION by Kasey Kesselring, **SECONDED** by Kathryn McKeeby to **APPROVE** the Minutes of June 26, 2018 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers and Kesselring

AGAINST: None

MOTION CARRIED: 6-0

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that staff would recommend postponing Tabs 2, 3 and 4 to the next meeting. He stated that Tabs 1 and 5 would remain on the consent agenda, and for Tab 1, staff wanted to change the format of that ordinance to update the signature block and insert approval dates. He indicated that the public hearing had been advertised in accordance with the law.

Mr. Larry King stated that he had questions about Tab 1, and the Chairman pulled it to the regular agenda.

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CONSENT AGENDA

| <u>TAB NO:</u> | <u>CASE NO:</u> | <u>OWNER/APPLICANT/PROJECT</u> |
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| Tab 1 | Ord. 2018-XX | Public Safety Street Addressing |
| Tab 2 | CP-18-14 | Protection of Shorelines - Continued To 9/5/18 PZB meeting and 9/25/18 BCC meeting |
| Tab 3 | RZ-18-07-4 | Gupta and Tayal Property Rezoning |
| Tab 4 | RZ-17-30-1 | Walker Property Rezoning |
| Tab 5 | FLU-18-05-2 | Hartwood Residential, LLC Future Land Use Amendment - Transmittal |

REGULAR AGENDA

| <u>TAB NO:</u> | <u>CASE NO:</u> | <u>OWNER/APPLICANT/PROJECT</u> |
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| Tab 6 | FLU-18-09-4 | Public Safety Communication Tower Small Scale Map Amendment - Adoption |

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| Tab 7 | RZ-18-06-4 | Public Safety Communication Tower Rezoning |
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| Tab 8 | CUP-18-01-5 | Slip Tech CUP |
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Other Business

Adjournment

PUBLIC COMMENT

No one wished to address the Board at this time.

CONSENT AGENDA

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|--------------|--------------------|--|
| Tab 5 | FLU-18-05-2 | Hartwood Residential, LLC Future Land Use Amendment - Transmittal |
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MOTION by Kathryn McKeeby, SECONDED by Rick Gonzalez to APPROVE Tab 5 on the Consent Agenda.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers and Kesselring

AGAINST: None

MOTION CARRIED: 6-0

REGULAR AGENDA

Tab 1 – PUBLIC SAFETY STREET ADDRESSING

Mr. Greene said that staff would entertain questions and that a member of the Office of Public Safety Support was also present.

Mr. King asked if the addressing would be for existing homes and new homes.

Mr. Greg Holcomb, Director for the Office of Public Safety Support, replied that the items in black were unchanged and existed in the current ordinance, and the other information pertained to how addressing moved within the County responsibilities. He said that Article V, Section 18-101, Subsections (a) (1) and (a)(2) were already in effect.

Mr. King expressed his support for those items and inquired if they were enforced.

Mr. Holcomb responded that they were enforced by the Office of Code Enforcement. He added that there was a program with the Office of Fire Rescue where if they go to an address due to an emergency or notice, they have door hangers to leave that can indicate to citizens that the address or street number was not available. He elaborated that failure to correct the issues prompts the Office of Code Enforcement to become involved.

Mr. King opined that many homes in Lake County had no numbers or had small numbers that could not be read from the street. He said that some citizens may not want an address on their house for a variety of reasons, and he asked if it would only be enforced if there was an emergency call to a house with no number.

Mr. Holcomb verified this and added that it would also be enforced if it was brought to the County's attention.

Ms. Karen Moss, a resident of Mt. Plymouth, said that her area was in the process of being updated and the Office of Code Enforcement was requesting that Mt. Plymouth citizens report every address. She opined that citizens would not call the office to report the numbers for each house or place door hangers on residences. She asked why the Office of Fire Rescue could not place door hangers on buildings, and she also indicated issues with addresses displayed on mailboxes that fail to properly indicate which house they are referencing. She said that new street signs were being installed in her area and that global positioning systems (GPS) navigation were not reliable there.

Ms. Laura Jones Smith asked if staff could work with Ms. Moss to determine if notice could be sent to each resident in that area instead of sending them to individual properties.

Ms. Moss relayed that Mr. Holcomb indicated that they would have to be reported to the Office of Code Enforcement and that she had already provided one address to the office.

Ms. Smith said that the Board was focused on the regulations and not the enforcement component, though opined the best avenue would be to contact the Office of Code Enforcement.

Mr. Holcomb explained that the ordinance proposed to be updated was to give his office more ability to address situations such as missing street signs. He commented that if his office is contacted with an address that does not meet requirements, they will generally send a certified letter to those addresses to indicate the code requirements. He relayed that 30 days to comply are given before the Office of Code Enforcement follows up.

Dr. Kasey Kesselring asked how many people composed the Office of Code Enforcement.

Ms. Diana Johnson, Senior Assistant County Attorney, reiterated that passing this ordinance would allow the County more direction to move forward with enforcing addressing. She added that the County currently had seven or eight code enforcement officers and was very active.

Ms. Smith said that if Ms. Moss could provide the Office of Code Enforcement information about her area, they could possibly examine it so that citizens would not have to.

Ms. Moss stated that residents of the area should consider that this was for their own protection.

MOTION by Kasey Kesselring, SECONDED by Kathryn McKeeyby to APPROVE Tab 1, rezoning case Ord. 2018-XX Public Safety Street Addressing.

FOR: Jones Smith, McKeeyby, King, Gonzalez, Myers and Kesselring

AGAINST: None

MOTION CARRIED: 6-0

Tabs 6 & 7– PUBLIC SAFETY COMMUNICATION TOWER

Mr. Greene said that Mr. Matthew Moats, County Attorney, would introduce some legislation about communication towers.

Mr. Moats said that based on United States Statute 47 U.S.C. 332, Subsections (7)(B)(iii) and (iv), any decision to deny or recommend denial must be supported by substantial evidence contained in the written record, and also that the environmental effects of radio emissions cannot be a basis for denial. He noted that this was a federal law that preempts state and local law.

Ms. Kathryn McKeeyby asked since this was federal law, why was the case coming to the Planning and Zoning Board.

Mr. Moats replied that the statute was referring to local government and local zoning authority.

Ms. Smith said that the Board's authority to regulate the placement of, construction of or modification of, a wireless service facility is not limited by this language.

Mr. Moats clarified that there are limitations, such as the two that he highlighted.

Ms. Smith asked that since environmental effects cannot be the basis for denial, could he define what constitutes those effects.

Mr. Moats responded that there was considerable and broad case law on this issue for both effects on the natural land and humans.

Ms. Smith noted that the statute refers to personal wireless service facilities and asked if this was the same as a cellular communication tower.

Mr. Moats commented that the statute is broadly applied and that it should be complied with.

Ms. Smith stated that personal wireless facilities, which would include ham radio and WiFi, are regulated differently than communication towers in the county's land development regulations (LDRs).

Mr. Moats said that the federal law he cited does not use the same categories as the county's LDRs. He reiterated that since the statute is broadly applied and there is considerable case law for it, it should be complied with.

Ms. McKeeby mentioned that she thought this case was strictly for a public safety cell tower.

Mr. Moats said that the Office of Public Safety Support could speak to that and that the statute is broadly applied and should not be limited to how the County interprets it.

Ms. Smith asked if the term "personal wireless service facility" was defined.

Mr. Moats noted that it was defined in Subsection (C). He stated that the term "personal wireless services" was defined as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, and the term "personal wireless service facilities" means facilities for the provision of personal wireless services.

Ms. McKeeby asked which definition would be relevant to the current case.

Mr. Moats replied that there was not specific case law that would determine if the specific circumstances of the case directly fell under this statute, but that the statute has been broadly applied and his recommendation would be to comply with the two noted subsections.

Ms. Smith inquired if he could elaborate the types of facilities that the statute has been applied to.

Mr. Moats replied that there were many cases on the statute.

Ms. McKeeby asked if the statute was based on placing facilities in certain areas or it was generally applied.

Mr. Moats said that the general rule is that federal law preempts the regulation of wireless facilities, though this statute notes that there is a preservation of local zoning authorities, subject to the limitations in the subsection. He reiterated that the County should be in compliance with the statute.

Mr. Rick Gonzalez said that the only provision that would apply to the current case would be to not consider a fear of radio frequencies when making a decision.

Ms. Smith added that it would also involve any environmental impacts to the lands.

Mr. Moats said that it had been broadly applied. He pointed out that in the LDRs Section 14.00.07, Subsection (d) on ex parte communications for the Planning and Zoning Board, it says that all communications concerning the case between any member of the general public, including the applicant, and any Board member, with the exception of the Board of County Commissioners (BCC), shall be prohibited unless made at the hearing on the case. He noted that any written communication should be forwarded to staff and any oral communications must be in compliance with this provision.

Ms. Smith disclosed that she recently had a call and a voicemail from a member of the public, and another individual called her several months prior with their concerns. She said that the emails she received were forwarded to Mr. Greene.

Mr. Greene presented Tabs 6 and 7 and noted that they would be open simultaneously. He said that Tab 6 was a future land use (FLU) map amendment, FLU-18-09-4 and Tab 7 would be RZ-18-06-4. He stated that the applicant, the Office of Public Safety Support, submitted the application to change the FLU of the 9.9 acre property from Conservation to Public Service Facility and Infrastructure for the purpose of constructing a communication tower and a stormwater management facility. He relayed that pursuant to the request, the Office of Public Safety Support had demonstrated a need for additional communication tower services within the Mt. Plymouth/Sorrento area, and that the County was in discussions in the City of Apopka for the joint use of the facility because that area was also underserved with emergency communication services. He commented that these needs were predicated due to the increased population growth in those areas, and he relayed that the Public Works Department had identified the need for an additional stormwater management facility on the property to address stormwater impact due to anticipated improvements to State Road (S.R.) 46. He related that the proposed public use for these facilities was inconsistent with the current Conservation FLU. He recalled that this issue was previously brought before the Planning and Zoning Board in May 2018, at which time they recommended the case be continued to a future date to allow staff to gather information and address some of the questions that were raised. He noted that a question and answer format was included with the Board's packet that identifies answers to some of the posed questions. He asked if those questions were adequate for the purpose for which staff was directed to obtain information.

Ms. Smith noted that the application did not contain any information on the effect on property values, and she asked how the Board could make a decision for a variance or waiver without that information.

Mr. Greene responded that there was no criteria and that the LDRs did not provide criteria that staff should develop to assess impacts on property values. He said that he had never seen this as a standard to approve or deny a rezoning or land use case, and that property tax valuation was specific to that particular constitutional entity.

Ms. Smith noted that the application was requesting reductions from the minimum requirements and could be denied based on diminished land value.

Mr. Greene stated that it would be considered as an LDR in regard to design and construction. He continued his presentation, indicating that the subject property is on the south side of S.R. 46 and was currently undeveloped and a vacant lake bottom. He said that maps displayed the wetland area situated in the center of the property, and the site of the tower would be to the west of that and outside the wetland area. He also expressed that the 100 by 100 foot compound would be situated outside the required 50 foot wetland buffer. He reiterated that there was a concurrent rezoning request which was submitted because those uses are not conducive to the Urban Residential (R-6) zoning. He said the request was for Community Facility District (CFD), that no adverse impacts were anticipated from the proposed land use amendment, and that the tower would be situated and constructed in accordance with the Federal Communications Commission (FCC), the Occupational Safety and Health Administration (OSHA), the National Fire Protection Association (NFPA), the Florida Building Code, and the National Electric Code. He then elaborated that the stormwater facility would be designed and constructed in accordance with the St. Johns River Water Management District's (SJRWMD) regulations and guidelines. He said that this land use request was not anticipated or expected to disrupt the existing development pattern in the area, which is surrounding the property with residential and non-residential uses that are adjacent to S.R. 46. He said that staff found the requested FLU amendment to be consistent with Comprehensive Plan (Comp Plan) Policy I-1.5.3 regarding the accommodation of public need and needed public facilities, consistent with Policy III-1.5.13 regarding the wetland buffer protection of 50 feet, and consistent with Comp Plan Policy I-1.1.3 regarding maintaining existing development patterns. He relayed the CFD rezoning request was proposed to accommodate the facility uses of a communication tower and stormwater management facility, and this zoning district was permissible in all FLU categories; however; this application would establish alternative development standards regarding setbacks and tower separation. He elaborated that the applicant was seeking waivers to establish a 253 foot setback, rather than the 1,320 foot setback required for guide towers pursuant to LDR Section 3.13.09. He also indicated that the application was seeking a waiver for the separation distance between existing towers, and that this type of tower is required to be separated at least 5,000 feet from adjacent towers, though there was a nearby tower on Long Acres Drive to the west that was 2,269 feet from the proposed tower site location. He related that the proposed FLU change would address the incompatibility of the current uses that exist due to the current R-6 zoning, and that no impacts were anticipated from existing public facilities

other than the needed driveway connection for the compound to connect to S.R. 46. He said that the rezoning was not expected to adversely impact the natural environment, as the 100 by 100 foot compound would be constructed outside of the wetland that appears on the property and would be surrounded by a 50 foot buffer. He explained that the rezoning was consistent with LDR Section 3.00.02 regarding CFD uses, where a special or substantial community interest in uses and activities are necessary, such as emergency communications towers and stormwater management facilities to address S.R. 46 improvements. He stated that this rezoning was consistent with LDR Section 3.13.03 regarding the fall zone provisions for towers, which requires the limits of the tower to be within 120 feet of the tower base, and consistent with LDR Section 3.01.09 requiring the tower anchor points to be set back a minimum of 25 feet to adjacent residential property lines. He recommended approval of the FLU amendment and the rezoning, and that staff found the rezoning waivers consistent with the LDRs. He recommended two motions for the two requests and he relayed that staff had received 18 letters or emails in opposition which were distributed to the Board.

Mr. King said there were numerous residential sites to the east and south sides of the property, and he opined as a licensed real estate appraiser that the tower would create locational obsolescence and reduce nearby property values.

Ms. Smith asked if the information that Mr. King was providing could be considered by the Board.

Mr. Moats clarified that Mr. King could only provide a professional opinion if he intended not to vote on the case.

Mr. Gonzalez asked if the Board could take into account speculation on the case's effects on property values due to the federal law.

Mr. Moats responded that the federal law does not address that and the Board would have to determine if the evidence was competent.

Mr. Gonzalez said that the Board did not possess substantial evidence contained in the written record indicating an effect on property values. He asked if the case originated with a public safety agency asking for better communication in the area, and Mr. Greene confirmed this was correct.

Ms. McKeeby asked if the tower that was located approximately 5,000 feet from the proposed tower had the same capabilities.

Mr. Greene stated that the other tower's capabilities were not known.

Dr. Kesselring recalled a previous question of if the tower would exclusively be used for public safety and asked for clarification on these uses.

Mr. Holcomb said that the tower was being designed strictly as a public safety tower to house the systems for the City of Apopka and Lake County. He clarified that the tower could be requested to install a carrier and that the other tower within proximity was a private tower without public safety services.

Dr. Kesselring inquired if the County would be able to deny a request from a carrier and if there would be monetary gain from the tower housing a carrier.

Mr. Holcomb stated that it would be a contractual scenario with the BCC, that there would be financial gain and that the County was currently housing carriers on several towers.

Dr. Kesselring asked if there had been any investigation into if the private tower would permit a public safety signal on that tower.

Mr. Holcomb responded that it was researched from an economic standpoint and that being a tenant on the tower would represent a cost to both the City of Apopka and Lake County.

Ms. Smith asked what the cost would approximately be.

Mr. Holcomb said that other towers in the county were collecting rent of around \$2,000 or more per month and the cost depended on the location and the population served.

Mr. Gonzalez asked if there would be vegetation buffers around the site.

Mr. Holcomb relayed that this topic was discussed at a community meeting on the previous night and that it was under consideration to keep the area more natural.

Ms. Smith inquired if it was considered to construct a monopole camouflaged tower due to the proximity to residents and to eliminate the need for setback waivers.

Mr. Holcomb said that it was considered and that from a design standpoint, monopole towers are well designed as disguised antennas for cellular services; however, public safety services use microwave dishes to communicate. He elaborated that a microwave dish is six to eight feet in size and hangs externally on a structure. He stated that a monopole tower cannot house microwave dishes, would not be of sufficient height, and would change the fall zone.

Ms. McKeeby noted that the tower would be self-collapsing within 120 feet of the base.

Mr. Holcomb explained that the tower manufacturer determines the 120 foot radius and that on a guy wire tower, three guys place tension on the tower and collapse the structure onto itself. He said that in the year 2007, there was a 1,600 foot tower near the Royal Trails area in the City of Eustis that was affected by the Groundhog Day tornados and collapsed onto itself as intended.

Ms. Smith asked to confirm that the County owned both parcels A and B on the site and Mr. Holcomb confirmed this was correct. She said that parcel B, located to the south, was larger and would give a greater distance from residential uses, and she inquired if that parcel would be more appropriate for the tower.

Mr. Holcomb indicated there were homes to the south and the east of the entire property. He commented that staff considered the design of the retention pond and tried to crowd it to affect the least amount of property across the entire parcel. He relayed that the southern parcel would remain Conservation.

Mr. Gonzalez asked if the southern parcel was mostly wetlands, and Mr. Holcomb confirmed this.

Ms. Smith asked if the entire 20 acres would be changed to the FLU of Public Service Facility and Infrastructure.

Mr. Greene clarified that the FLU change would only affect the northern portion of the property.

Mr. Holcomb stated that the retention pond would be on parcel A and that parcel B was wetlands, though there was also some wetlands on parcel A. He confirmed that the FLU of parcel B would remain Conservation.

Ms. Catherine Hanson, a former Lake County Commissioner, asked if this case would be approved if it was applied for by a private company and if there was a preference being generated for the County. She said there were variances associated with the request and she opined that the County should not approve variances to their own ordinances.

Ms. Lynne Thornton, a resident of Mt. Plymouth, opined that the tower would decrease nearby property values due to concerns about radiation, safety, and aesthetic reasons. She opined that the entire parcel was a wetland and that wetland indicating plants were growing in areas of the property that were not designated as such.

Ms. Yvonne Sonntag, a neighbor of the proposed tower site, said that she did not want a tower in close proximity to her home. She also stated that the entire area had characteristics of a wetland and opined that there were many open areas approximately a mile to the east of the proposed site near S.R. 429 where a tower could be installed.

Mr. Earl Hammond, a resident leasing property adjacent to the proposed tower site, expressed concerns about adopting a 253 foot setback instead of a 1,000 foot setback. He also indicated concerns about placing a tower in the middle of the Community Redevelopment Area that the residents were attempting to improve and make pleasing. He then asked why the tower was not being proposed near S.R. 429.

Ms. Francis Nipe, Vice-President of the Mt. Plymouth Landowners' League, said that her organization objects to the proposed application and that they wanted the property to stay Conservation. She stated that the property was historic to her subdivision and opined that the tower would be aesthetically displeasing to the subdivision's main street. She expressed disappointment in the County proposing a reduction of the 1,250 foot setback from adjacent homes down to 253 feet. She opined that the property was too small to house the tower and that it was not the only potential site in Orange and Lake Counties. She said that if the request was approved, she suggested that the County lessen the tower's visual impact by installing a dense landscape buffer of trees at the same level as S.R. 46. She opined that there were inaccuracies with visual handouts that were provided at the previous night's meeting concerning the visual impact of the tower, and she requested that any additional revenue from allowing private entities to use the tower be contributed to the Mt. Plymouth-Sorrento Community Redevelopment Agency (CRA) fund that had already been established. She also suggested that there be commercial buildings in front of the property instead of a retention pond that she opined would fail to lessen the visual impact.

Mr. Fred Antonio, a neighbor of the subject property, stated that he purchased his property because it had a Conservation FLU. He expressed concerns about the parcel being too small for the project as evidenced by the rezoning request and the variance in setback distance, the land having a Conservation FLU, and the aesthetics of the area. He opined that the real estate values of adjacent properties would be impacted and that citizens were not against the tower, but were instead opposing its proposed location. He suggested that when similar projects arise in the future, the County should communicate with the community early in the process.

Mr. Clark Morris, a resident of Mt. Plymouth, opined that the crux of the issue was an economic problem because the land was free for the County to use. He said there was ample land for installing a tower in that area, though the County would likely have to pay for it. He relayed that the Mt. Plymouth-Sorrento CRA had invested significant political capital into the area and that the organization did not appreciate the County using that property. He asked if an economic analysis was conducted to investigate the cost of the County renting space on an approximate 330 foot tower within 2,000 feet of the site when compared to constructing a new tower. He also asked if another 100 feet could be built onto the existing tower to accommodate the County's needs and if that would cost less money than constructing a tower. He agreed that the state land near S.R. 429 would be a more appropriate location for the tower, and he indicated concerns with the tower's large footprint and its proximity to houses. He asked the Board to postpone the item to allow for continued dialogue with the community.

Ms. Moss noted a possible tower site location in Orange County and she asked if a location near Lent Road in the City of Apopka was also a proposed site. She said that the current proposed site was not included in the CRA because the property had a Conservation FLU, but she opined that the CRA would have included it if they knew it would be considered for further uses.

Ms. Hanson said that she sat on the Board of Adjustments which approves variances once per month, but she did not approve any variances when the County was the applicant. She opined that the County was seldom an applicant.

Mr. Jeff Myers said that since there was a request to change the FLU from Conservation, if this were a private entity's request, an environmental study would be required to consider protected species of plants and animals in the area. He asked if this had been conducted for the current case.

Mr. Greene replied that it would be done during the site development application process and that if the Board approved the rezoning, one of the requirements would be that an environmental assessment be done at the time of development application. He stated that in order for staff to identify the wetlands and the buffer, some initial environment assessment was conducted.

Mr. Myers asked if there could be some protected species in the area that the County was not aware of, and Mr. Greene replied that this was possible. Mr. Myers then asked that since the County was changing the Conservation FLU, if they should ensure that there was not any federal or state mandated species there.

Mr. Greene responded that the LDRs did not require an environmental assessment for each zoning.

Mr. Gonzalez asked if the map that was handed out on the previous night indicated that staff was evaluating two potential sites for the tower.

Mr. Holcomb said that there was an original location in Orange County that the City of Apopka was considering, though it was determined that the parcel was inaccessible and an access road could not be built. He relayed that the city then contacted the County for a site within the area, and the current property was found within a two mile radius. He stated that after receiving community input, more county parcels were examined within a two mile radius of the subject property, though the current proposed location could give services to both the City of Apopka and Lake County.

Mr. Gonzalez asked if the subject property was the best location for the tower.

Mr. Holcomb confirmed this and said that the subject property was larger than the others.

Ms. Smith noted comments that ample space to house a tower existed near S.R. 429, but that area would not be adequate to host the services. She asked if staff considered the potential to purchase or lease land from other property owners to house the tower.

Mr. Holcomb replied that the further east the tower is, the less conducive it would be for the public safety area that required attention. He stated that the consideration was for lands already owned by the County. He explained that the City of Apopka was building the site

and was allowing the County to exist on the same site, so it represented a savings of building a tower for the County. He said that if the City of Apopka and the County used two different locations, then two towers would have to be built. He stated that the coexistence would be effective from a response standpoint for public safety and that the Lake County Sheriff and Office of Fire Rescue worked with the City of Apopka and Orange County in that area. He noted concerns from the Lake County Fire Chief about a lack of communication coverage in that area, and commented that the area was lacking coverage for both Lake County and the City of Apopka.

Ms. Smith asked to verify if the County's agreement with the City of Apopka was that if the County builds the site, then the City would construct the structure to also house County antennas on it, and Mr. Holcomb confirmed this was correct.

Mr. Gonzalez inquired if the County would consider having the adjacent properties appraised before and after the construction of the tower to determine if there was any difference in the value.

Mr. Holcomb replied that this would require direction from the BCC and that he would not be involved in that.

Ms. Smith said it would require sales data for nearby properties before and after the tower was built.

Ms. McKeeby referred to a visual impact assessment for the tower and asked about the closest property.

Mr. Holcomb clarified that the closest property was a home and was at a 253 foot setback from the tower. He noted that that the tower would be visible from the backyards of two adjacent homes and that the visual represented what the tower would look like without the antennas.

Ms. McKeeby opined that the tower was imperative for public safety, but the 253 foot setback was problematic.

Ms. Smith said she was also struggling with the setback. She asked when there are proposals from the public for variances, reductions of standards or relief from development code standards, what is the criteria that is considered before making a recommendation in favor of the request.

Mr. Holcomb clarified that the closest setback to the structure was business on Sorrento Avenue at 373 feet, and the closest residence was at 31413 Westward Ho Avenue with a 449 foot setback from the guy wire.

Mr. King asked if the 449 foot setback was from the lot or the structure itself, and Mr. Holcomb confirmed it was from the structure to the guy wire. He said the guy wire was

required by code to be at least 25 feet from the property line and that the guy anchor was not more than three feet tall.

Ms. Smith said that the Board was entertaining a FLU change and a zoning change, and she asked if a variance application would be taken to the Board of Adjustment.

Mr. Greene clarified that the purpose of the CFD zoning was to allow the Board to establish alternative setbacks from the typical standard.

Ms. McKeeby asked if this variance would be considered if it was private.

Mr. Greene opined that a private application would likely find a more conducive location for their market needs, but it would undergo the same process and level of assessment.

MOTION by Larry King, SECONDED by Kasey Kesselring to DENY Tab 6, rezoning case FLU-18-09-4 Public Safety Communication Tower Small Scale Map Amendment – Adoption, and Tab 7, rezoning case RZ-18-06-4 Public Safety Communication Tower Rezoning.

FOR: McKeeby, King, Myers and Kesselring

AGAINST: Jones Smith and Gonzalez

MOTION CARRIED: 4-2

Tab 8 SLIP TECH CUP

Mr. Greene said that Tab 8 was a Conditional Use Permit (CUP) application to consider a construction equipment storage and maintenance facility on a 9.9 acre piece of property located within an Agricultural zoning district. He explained that the property is located on County Road (C.R.) 444A and was designed as Wekiva A-1-20 FLU, which is situated within the Wekiva Protection Area. He stated that this CUP application came via a code violation notice as it pertains to operating a business without proper permits and approvals. He relayed that the application specified that the property had been used as a construction equipment storage and maintenance facility since the year 1998, the applicant had asserted that the company maintained a business tax license at this property through 1992 through 2017, and the property commenced business as Sliptech LLC in 2010. He indicated that staff conducted research to confirm the validity of a business license on the property concurrent with the Comp Plan adoption of 2011, and could not locate that business license. He said that the applicant contended that some of the vehicle maintenance on the property would entail oil changes, fluid replacement, battery changes, track maintenance, equipment maintenance, and tire and equipment repair. He displayed a slide showing the types and number of vehicles which would be on the property to perform jobs. He related that the applicant also provided a conceptual plan to identify the two containment areas where the vehicles, equipment operation storage and maintenance facilities would be. He said that the applicant owned both

properties and each containment area was about two acres in size. He relayed that staff considered the request and interpreted the proposed equipment storage and maintenance facility use to be industrial use and there were aerial photographs dating back to the year 2006 showing how the property was functioning as an agricultural use; however, it seemed to transition over time into a non-agricultural use. He stated that staff found the request to be inconsistent with the Comp Plan and the definition of agricultural uses pursuant to LDR Section 3.01.02. He commented that the current Comp Plan Section I-3.2.3 prohibits industrial uses, and the 1991 Comp Plan prohibited industrial uses in the Wekiva A-1-20 FLU category. He reiterated that staff found the request incompatible with the adjacent agricultural uses; however, staff found that the use would not pose any adverse public facility impacts on any existing uses in the area such as fire rescue, police protection, traffic circulation, etc. He said that staff recommended denial because it was inconsistent with the LDRs and FLU, though staff included a CUP ordinance if the Board would choose to decline staff's recommendation and approve the request.

Mr. Gonzalez asked if the applicant had evidence showing they had a Lake County business tax license for the time that they claimed to have it. He also asked if the County had been taxing the business at this location for a number of years and if so, why did the County allow it to continue for so long.

Mr. Moats said that from a legal perspective, the business tax receipt issue was not relevant to this case as it concerns the Comp Plan. He noted that Mr. Greene also cited back to the 1991 Comp Plan and that the current case was not just about the existence of the business. He then said that his understanding was that the code enforcement violation only concerned the industrial use of the property.

Ms. Smith asked to confirm that staff was unable to find any record of a business license at this location.

Mr. Greene confirmed this was correct relative to the effective date of the 2011 Comp Plan, hence the rationale to identify the 1991 Comp Plan which also prohibited such uses.

Mr. Gonzalez asked if the code enforcement action was the result of a complaint.

Mr. Greene replied that the Office of Code Enforcement provided staff with a complaint from the Florida Department of Environmental Protection (DEP).

Mr. Gonzalez asked to confirm if DEP made the complaint, rather than a neighbor of the property.

Mr. Glen Guzman, Director of the Office of Code Enforcement, relayed that his office received a complaint from DEP that requested the office to investigate hydraulic waste, oil, and other materials that were seeping into the soil. He said that this complaint led to identifying that the business was industrial use and not residential.

Mr. Gonzalez indicated that he had questions for the applicant. He noted that it was stated that Sliptech LLC had a business tax license in Lake County for a number of years.

Mr. James Walmer, an employee of Sliptech LLC, relayed that Mr. John Trubenbach, one of the applicants, purchased the property in March of 1991 after already having the Quality Concrete company licensed under his name. He said that the company had been through the three different revisions of Quality Concrete, John Trubenbach Construction (JTC), and currently Sliptech LLC, which had all been at that address from 1991 to the present time.

Mr. Gonzalez asked if the business on the subject property had been communicated to the County.

Mr. Walmer said that the company had a business license and had been paying business taxes since 1991, and noted that the Comp Plan was cited as an issue. He opined that the Comp Plan did not apply to their business because the property was purchased on March 1, 1991 for this purpose, and he stated that the company had Planning and Zoning Board meeting notes from June 1991 when public comment was being accepted regarding amendments to the Comp Plan. He commented that at that time, the County Attorney was asked about industrial use within the Wekiva River Basin District, and they said that any existing industrial uses would be permitted to continue, though future uses would have to comply with the adopted plan.

Mr. Gonzalez asked if those notes had been submitted to the Board.

Mr. Walmer said they were public online.

Ms. Smith asked if the business license was as a home business, if the company had a business tax receipt from the County since the year 1991, and if the company was registered with the state.

Mr. Walmer stated that it was not a home business and the company existed prior to the acquisition of the property. He said that he was unsure about the business tax receipt and that the company had been registered with the state since 1991.

Mr. Moats noted that Policy I-20.12 of the 1991 Comp Plan indicated that industrial development would be prohibited within the Wekiva River Protection Area and that the current 2030 Comp Plan also prohibited industrial uses there.

Mr. Gonzalez asked if there were exceptions for existing businesses at the time.

Mr. Moats responded that it would had to have been applied for within one year of the implementation of the current 2030 Comp Plan.

Ms. Smith said that for non-conforming uses to remain once the 2030 Comp Plan was implemented, applicants would have to apply as non-conforming status within one year of when that Comp Plan was adopted to remain in compliance.

Mr. Moats confirmed that this was necessary to obtain vested rights and that he did not believe it was done for this business.

Mr. Greene related that the existing continuing non-conforming uses to the provision in the Comp Plan always allows some level of demonstration that the business existed at the time of the effective date of the Comp Plan adoption, which was September 2011. He said that the Office of Planning and Zoning often uses a business tax license for that purpose and that the office's research did not uncover a license for this business.

Mr. Walmer reiterated that the business had been through three different names over time, with some overlap as clients were transferred between caseloads. He said that JTC was the longest running name from 1998 to 2017, and the Sliptech LLC name had been used since 2010.

Ms. Smith expressed that the only documentation of the business existing for any period of time was through the Florida Division of Corporations, where the subject address was listed as being associated with the various company names.

Mr. Walmer confirmed that this was correct, and he said that Mr. Trubenbach had a small company and no legal counsel when the company was transitioning names. He stated that the company now had several dozen Lake County residents on its payroll. He said that one of Mr. Greene's concerns was the equipment inventory that was provided, and he commented that the company conducted site work and the equipment would be onsite or elsewhere almost all of the time. He explained that the inventory list was a manifest of what the company owned, but no more than two or three pieces of equipment were on the subject property at any given time. He opined that Mr. Trubenbach and his wife Ms. Michelle Trubenbach, Chief Executive Officer of Sliptech LLC and an applicant for the case, were conservationists who hunted, fished, and had livestock and crops on the property. He relayed that he delivered a letter to the Crain family, neighbors of the property, stating that the business would be willing to offer some concessions on their adjacent parcel such as building a fence or landscape hedge, to restrict activity on that parcel between certain hours of the day, or to establish a setback. He relayed that he had not received a response to the letter, and he noted that some agriculture use existed on the property in the form of a tractor disking fields to allow for planting sunflowers. He expressed concerns about the complainant not being able to see the subject property from where they were located and they could be conflating legitimate agricultural use of the property with the business industrial use.

Ms. Smith clarified that the complainant was DEP.

Mr. Walmer opined that a disgruntled employee filed a complaint with DEP which stated that the company was pouring hydraulic fluid on the ground. He explained that the amount of

fluids that the company changed was not significant and went into five gallon buckets that were properly recycled. He elaborated that the company may only fill one five gallon bucket in a year. He said that the Crain family also expressed concerns about their drinking because their well was situated near the subject property, though the Trubenbach family also lived onsite and had a well there.

Mr. Moats clarified that the situation he discussed assumed that the use was established just prior to the 2030 Comp Plan. He said that if the use was proper under the 1991 Comp Plan and it continued, then it would fall under the 2030 Comp Plan continuing non-conforming uses. He said that the business would have to establish that when the use first began under the 1991 Comp Plan, that it was allowed at that time.

Mr. Gonzalez asked if it was established that the 1991 Comp Plan allowed this use.

Mr. Moats said that the 1991 Comp Plan stated in Policy I-20.12 that industrial development shall be prohibited within the Wekiva River Protection Area.

Mr. Gonzalez asked if the subject property was in that area, and Mr. Moats noted that it was and that the area's name had changed over time. Mr. Gonzalez asked if DEP came on the subject property looking for the substance that was spilled.

Mr. Walmer replied that they did not. He said that the activity predated the 1991 Comp Plan and he relayed notes from a special meeting of the BCC on July 9, 1991, which indicated that the County Attorney at that time said that existing industrial development would be permitted to continue after the 1991 Comp Plan was adopted.

Ms. Smith asked to clarify that the business had been registered with the Florida Department of Corporations prior to 1991 under one of the business' titles at the subject property.

Mr. Walmer reiterated that this was true, and relayed that the property was acquired on March 1, 1991 and that the previous address would have moved to the current one in either 1991 or 1992. He said that operations were set up at the subject property within 30 or 45 days of acquiring it.

Ms. Smith noted aerial photos that started back in 2006 and said that construction had occurred on the property since that time. She asked if building permits were obtained for those structures, and Mr. Greene replied that staff did not research this. She opined that this issue should have probably come up if permits were previously issued to the property.

Mr. Walmer stated that there were permits pulled for both a house and a shop that was constructed on the property.

Mrs. Trubenbach stated that the garage was built in 2008 and there were building permits pulled for that, along a permit for another garage where the CUP line began.

Mr. Gonzalez asked if the neighbors have ever complained about the business.

Mrs. Trubenbach relayed that she did not experience any issues with neighbors and that she spoke to several neighbors recently who expressed their indifference to the business.

Mr. Gonzalez asked if the only complaint to the Office of Code Enforcement was from DEP.

Mr. Guzman responded that was only the initial inquiry and that his office received another shortly thereafter from the Florida Forest Service due to a fire complaint.

Ms. Smith asked if the complaints were only from state agencies and Mr. Guzman confirmed this was correct.

Mr. Gonzalez asked about the nature of the fire complaint.

Mr. Guzman replied that a Florida Forest Service officer responded on February 23, 2017 in reference to burning and upon arrival, they met with the Lake County Sheriff's Office and the Office of Fire Rescue who were already on scene. He relayed that the owner had buried a pile with a small trackhoe and there was enough evidence to show that there was illegal burning and the office issued a notice of violation at that time.

Mr. Alfred Sanchez, a neighbor of the property, expressed a concern that construction yards can become junkyards if they are not maintained. He said junkyards are noisy and include heavy equipment and hazardous waste. He relayed that he was restricted to two residences on his 40 acre tract because of being in the Wekiva River Protection Area, and he indicated concerns with allowing a commercial business across the road from him. He also claimed that County Road (C.R.) 44A was hazardous and that multiple vehicular accidents had occurred on the subject property. He had questions about the aesthetics of the property, the noise, what kind of equipment would be there, and if it would be safe.

Mr. Gonzalez asked if there were complaints about the present operation.

Mr. Sanchez said that he did not currently have any complaints, though he was concerned about its future.

Mr. Craig Crain, a neighbor of the property, said that he had owned his property for over 30 years and was in opposition to the request, and he opined that it would not benefit the area. He said that he could hear equipment operated between the hours of 5:30 a.m. and 10:00 p.m., and he relayed that he was also a neighbor to a preserve that he opined would also be affected. He related that the company spoke with him in summer 2017 about their future plans, which included constructing a building closer to his front door. He expressed concerns with bothersome activity on a daily basis and said that equipment use had continued on a daily basis.

Ms. Smith asked if the company had been operating the same type of business since he had lived there.

Mr. Crain was unsure about the type of business, but reiterated that he heard activity and that the proposed site for the new building was close to his front door.

Ms. Smith asked how much traffic activity was currently occurring on the property.

Mr. Crane replied that it occurred every day, though he was unsure of how many vehicles entered and exited the property daily.

Mr. Colin Cooley, a concerned environmental consultant, expressed concerns about the water quality of the area. He said the contaminants that would be occurring on the site included diesel fuel, motor oil, lubricants, antifreeze and degreasers. He asked if there would be any toxic release inventory chemicals on the site, and if any environmental impact studies had been conducted for the property. He also asked if there was an environmental plan for the operations and if there were any intentions to connect the site to a wastewater plant. He commented that residents in the area utilized well water and that no public water system was available. He elaborated that there were no sampling programs to monitor the groundwater there and that he opposed the project for its potential environmental impacts.

Mr. Moats asked if he was speaking on his own behalf.

Mr. Cooley relayed that he had a well approximately 500 feet from the subject property and that he was speaking for himself. He said that he withdrew his support for the case after hearing of the DEP complaint.

Mr. Smith clarified that there was no proof of an environmental infraction and that call had simply been made to DEP.

Mr. Gonzalez added that DEP did not follow up and that the Office of Code Enforcement's follow up only discovered an issue with zoning. He agreed that there should be on site containment for any potential spills.

Mr. David Jancha, an attorney that had previously represented Sliptech LLC and JTC, said that the company had been in business for a number of years. He said that the company's intention was to continue to operate their business and he reiterated that a disgruntled employee made false accusations, which led to the company learning that they were not in compliance with zoning. He said that Mr. Trubenbach wanted to become compliant and ensure that no environmental impact was occurring. He stated that Mr. and Mrs. Trubenbach were conservationists, did not want to harm their neighbors, and simply wanted to continue to operate their business as-is while ensuring there were no leaks or further issues. He said that they would accept not being able to construct a building to the south or to the east of the property and that the company represented itself at the current meeting to become compliant.

He concluded that approximately 50 employees worked for Sliptech LLC with many of them being Lake County residents and taxpayers.

Mr. Gonzalez asked if the company would consider withdrawing the case and returning with a complete packet showing the 1991 evidence that was relayed by the County Attorney at that time.

Mr. Jancha said that they would be able to obtain proof they were in business at that time. He relayed that it was discussed to withdraw the portion of the CUP as it relates to the property next to Mr. Crain and keeping the current area. He said that the company has equipment that occasionally comes in to be serviced and that the owners wanted to continue their business in a way that would be acceptable to their neighbors and safe for the environment.

Mr. Gonzalez asked if the company was willing to stay on their property, and Mr. Jancha confirmed this.

Mr. Greene indicated that staff received a letter of opposition from Mr. Crain that was given to the Board.

Mr. Moats said that since this issue was concerning the Comp Plan, the two ways forward would be to show existing non-conforming use, or to use a Comp Plan amendment which would need to be approved by the state. He stated that if the BCC approved a case that was against the Comp Plan, then the state would step in and enforce it.

Ms. Smith asked to clarify that the CUP application was not consistent with the Comp Plan, and Mr. Greene confirmed.

Mr. Moats added that the CUP would have to be in conjunction with showing the existing non-conforming use or amending the Comp Plan.

Mr. Gonzalez asked if the CUP could be considered at the current meeting.

Mr. Moats replied that it could be considered if there was evidence presented showing that it was an existing non-conforming use and that the Board could recommend it; however, when the BCC would make a decision, those were the two avenues forward. He said this would allow them to comply with the LDRs and then if they also submitted evidence of the existing non-conforming use, it would comply with the Comp Plan.

Mr. Gonzalez asked if the case should be pulled and reconsidered with a more complete package, including the existing non-conforming use.

Mr. Moats related that this was an option that the Board could consider.

Ms. Smith asked if the applicant would be willing to postpone the application until evidence could be located that the business was in operation prior to 1991.

Mr. Jancha confirmed that the applicant would be willing to postpone the case.

Ms. Smith said that the case would be postponed but not to a certain date and it would need to be advertised to give the applicant time to obtain the required information.

Mr. Gonzalez asked Mr. Moats to restate what would constitute a complete package to show that the company existed before 1991.

Mr. Moats said that he would have to review the 1991 Comp Plan. He said that if it was a proper use prior to the 1991 Comp Plan and the applicant could show that, then staff could possibly look into the existing non-conforming use.

Ms. Smith said the Board would encourage the applicant to work with the County Attorney's Office and the Office of Planning and Zoning, and the case would be reheard when more evidence could be presented.

MOTION by Rick Gonzalez, SECONDED by Kasey Kesselring to POSTPONE Tab 8, rezoning case CUP-10-01-5 Slip Tech CUP.

FOR: Jones Smith, McKeeby, King, Gonzalez, Myers and Kesselring

AGAINST: None

MOTION CARRIED: 6-0

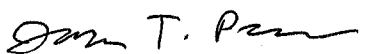
OTHER BUSINESS

Mr. Greene commented that the next meeting would be on September 5, 2018 and would include a workshop on the Sunshine Law and ethics.

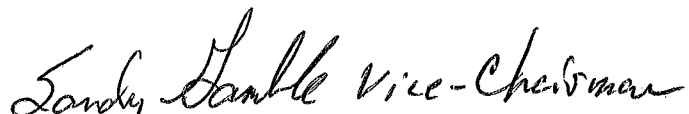
ADJOURNMENT

There being no further business, the meeting was adjourned at 11:13 a.m.

Respectfully submitted,



Josh Pearson
Administrative Specialist, Board Support



Laura Jones Smith
Chairman

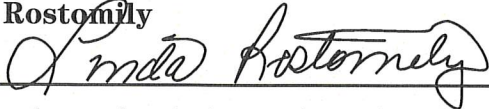
Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily



who on oath says that she is an authorized employee of the
Daily Commercial, a daily newspaper published at Leesburg,
in Lake and Sumter Counties, Florida; that the attached copy
of advertisement, being a notice in the matter of

P+Z MEETING

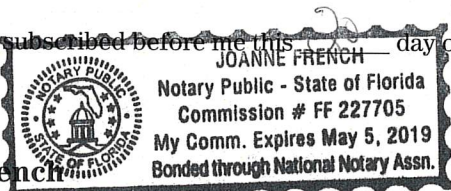
was published in said newspaper in the Lake and Sumter
county issues of:

July 20, 2018

Affiant further says that the said Daily Commercial is pub-
lished at Leesburg, in said Lake and Sumter Counties, Florida,
and that the said newspaper has heretofore been continuously
published in said Lake and Sumter Counties, Florida, daily,
and has been entered as second class mail matter at the post
office in Leesburg, in said Lake and Sumter Counties, Florida,
for a period of one year next preceding the first publication of
the attached copy of advertisement; and affiant further says
that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication in
the said newspaper.

Sworn to and subscribed before me this 20 day of July
A.D., 2018.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD#

100787200

NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m., or soon thereafter, public hearing on Wednesday, August 1, 2018 in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following ordinance which proposes to amend portions of the Land Development Regulations (LDRs).

All interested citizens are welcome to attend the public hearing and review the ordinance in the Office of Planning & Zoning, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evi-

dence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed.

ORDINANCE 2018-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER 18, ARTICLE V, ENTITLED "UNIFORM STREET ADDRESSING SYSTEM"; CLARIFYING THE REQUIREMENTS FOR ROAD NAMING, POSTING ROAD NAME SIGNS, OBTAINING ADDRESSES FOR STRUCTURES, ADDING ADDITIONAL ROAD NAMING STANDARDS FOR DEVELOPMENT; AMENDING SECTION 1.05.00 LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; EXPRESSLY INCORPORATING CHAPTER 18, ARTICLE V, ENTITLED "UNIFORM STREET ADDRESSING SYSTEM" INTO THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

OFFICE OF PLANNING & ZONING
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641

Ad No: 10078720
July 20, 2018

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily



who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

AUGUST PZB MEETINGS

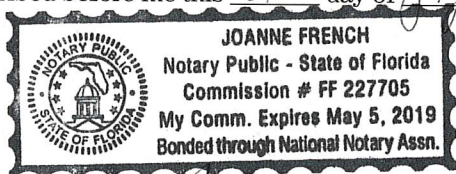
was published in said newspaper in the Lake and Sumter county issues of:

July 20, 2018

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 20 day of July, A.D., 2018.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD#

10678755

NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m., public hearing on WEDNESDAY, August 1, 2018, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following petitions. Recommendations of the Lake County Planning & Zoning Board regarding these petitions will be transmitted to the Lake County Board of County Commissioners at a 9:00 a.m. public hearing, or soon thereafter, on Tuesday, August 21, 2018, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL.

All interested citizens are welcome to attend the public hearing and review the petitions in the Office of Planning & Zoning, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed. All oral and written communications between Planning & Zoning Board members and the public concerning a case are prohibited by Florida Law unless made at the public hearing on the case.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO.: RZ-18-07-4, Gupta & Tayal Property Rezoning
REQUESTED ACTION: Amend Ordinance #2016-46 to rezoning property from Community Facility District (CFD) to Planned Unit Development (PUD) for the development of an Assisted Congregate Living Facility (ACLF)/Nursing Home with limited commercial uses.
GENERAL LOCATION: Sorrento area, 30851 Round Lake Road

AND
PUBLIC HEARING NO.: RZ-17-30-1, Walker Property PUD
REQUESTED ACTION: Rezone approximately 40.02 acres from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.
GENERAL LOCATION: South Lake County, North of Sawgrass Bay Blvd.

AND
PUBLIC HEARING NO.: RZ-18-06-4, Lake County Public Safety Communication Tower CFD
REQUESTED ACTION: Amend CFD ordinance #98-87 with a new ordinance to allow construction of a Public Safety communications tower with alternative setback standards and stormwater management infrastructure.
GENERAL LOCATION: Mt. Plymouth area, Southside of SR 46, east of Mt. Plymouth Loop and west of CR 435

AND
PUBLIC HEARING NO.: CUP-18-01-5, Slip Tech CUP
REQUESTED ACTION: Approve Conditional Use Permit for construction equipment storage and maintenance facility in Agriculture zoning.
GENERAL LOCATION: Mt. Plymouth-Sorrento area, CR 44A, north-east of Grassy Hill Lane/CR 44A intersection

OFFICE OF PLANNING & ZONING
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641

Ad No: 10078755
July 20, 2018

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomly



who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

FLU-18-09-4

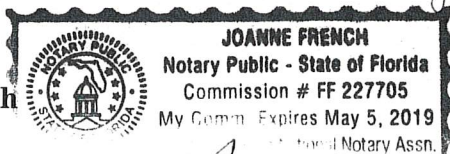
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Sworn to and subscribed before me this 20 day of July, A.D., 2018.

Joanne French
Notary Public



(Print, Type or Stamp Name of Notary Public)

AD#

LR
D044706
D044706

NOTICE OF PUBLIC HEARING ON COMPREHENSIVE PLAN MAP AMENDMENT

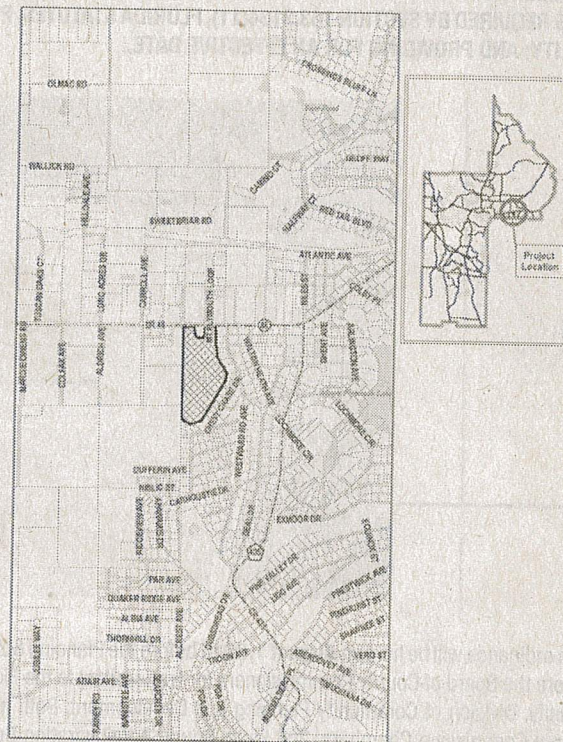
The Board of County Commissioners of Lake County, Florida, proposes to adopt and subsequently transmit the following ordinance to the Florida Department of Economic Opportunity, Division of Community Planning and Development:

ORDINANCE 2018-XX

FLU-18-09-4

LCBCC Public Safety SR 46 Cell Tower

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP CONSERVATION FUTURE LAND USE CATEGORY TO PUBLIC SERVICE FACILITY AND INFRASTRUCTURE FUTURE LAND USE CATEGORY FOR PROPERTY LOCATED ON SR 46 IN THE MT. PLYMOUTH-SORRENTO AREA, DESCRIBED BY ALTERNATE KEY NUMBER 3909640 AND AS SHOWN IN EXHIBIT A; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.



Public hearings on the ordinance will be held on **August 1, 2018** before the Planning & Zoning Board, and **August 21, 2018** before the Board of County Commissioners for transmittal to the Florida Department of Economic Opportunity, Division of Community Planning and Development. Both meetings begin at 9:00 a.m. in the County Commission Chambers, 2nd Floor, Round Administration Building, 315 West Main Street, Tavares, Florida.

The proposed ordinances amending the 2030 Comprehensive Plan and 2030 Comprehensive Plan Future Land Use Map and their staff reports for the proposed amendments shall be available for review at the Department of Economic Growth, Planning and Zoning Division, 315 West Main Street, Tavares, Florida, 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding holidays.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if any person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this public hearing, he or she will need a record of the proceedings, and is advised that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Department of Facilities Development and Management at (352) 343-9760 at least 48 hours in advance of the public hearing.

Lake County Board of County Commissioners
Office of Planning & Zoning
352-343-9641

D044706 - July 20, 2018

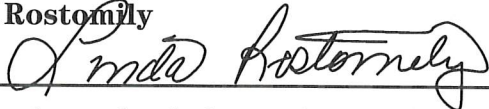
Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomly



who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

FLU-18-05-2

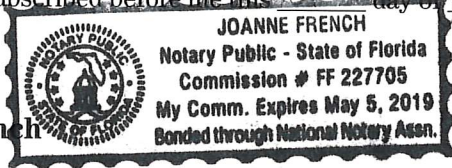
was published in said newspaper in the Lake and Sumter county issues of:

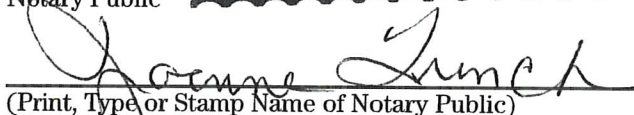
July 20, 2018

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 20 day of July, A.D., 2018.

Joanne French
Notary Public




(Print, Type or Stamp Name of Notary Public)

AD#

D044705

NOTICE OF PUBLIC HEARING ON COMPREHENSIVE PLAN MAP AMENDMENT

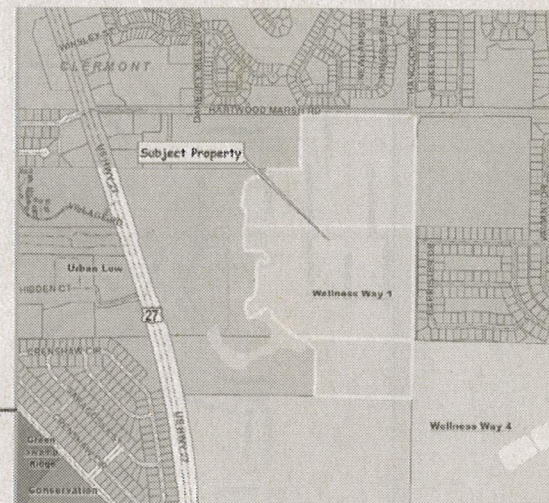
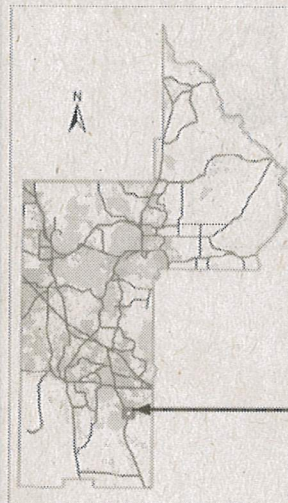
The Board of County Commissioners of Lake County, Florida, proposes to transmit the following ordinance to the Florida Department of Economic Opportunity, Division of Community Planning and Development:

ORDINANCE 2018-XX

FLU-18-05-2

Hartwood Residential, LLC

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FUTURE LAND USE MAP FROM WELLNESS WAY 1 TO URBAN LOW DENSITY FUTURE LAND USE CATEGORY FOR A 115.89 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HANCOCK ROAD AND HARTWOOD MARSH ROAD, IN THE CLERMONT AREA, AS DESCRIBED IN THIS ORDINANCE; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Public hearings on the ordinance will be held on **August 1, 2018** before the Planning & Zoning Board, and **August 21, 2018** before the Board of County Commissioners for transmittal to the Florida Department of Economic Opportunity, Division of Community Planning and Development. Both meetings begin at 9:00 a.m. in the County Commission Chambers, 2nd Floor, Round Administration Building, 315 West Main Street, Tavares, Florida.

The proposed ordinance amending the 2030 Comprehensive Plan and its staff report for the proposed amendments shall be available for review at the Office of Planning and Zoning, 315 West Main Street, Tavares, Florida, 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding holidays.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if any person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this public hearing, he or she will need a record of the proceedings, and is advised that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Department of Facilities Development and Management at (352) 343-9760 at least 48 hours in advance of the public hearing.

Lake County Board of County Commissioners
Office of Planning & Zoning
352-343-9641

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomly



who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

CP-18-14

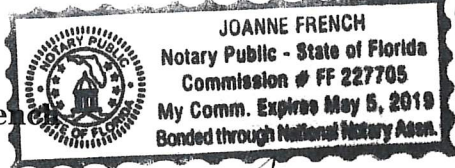
was published in said newspaper in the Lake and Sumter county issues of:

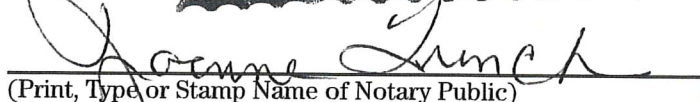
July 20, 2018

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 20 day of July, A.D., 2018.

Joanne French
Notary Public




(Print, Type or Stamp Name of Notary Public)

AD#

D044704

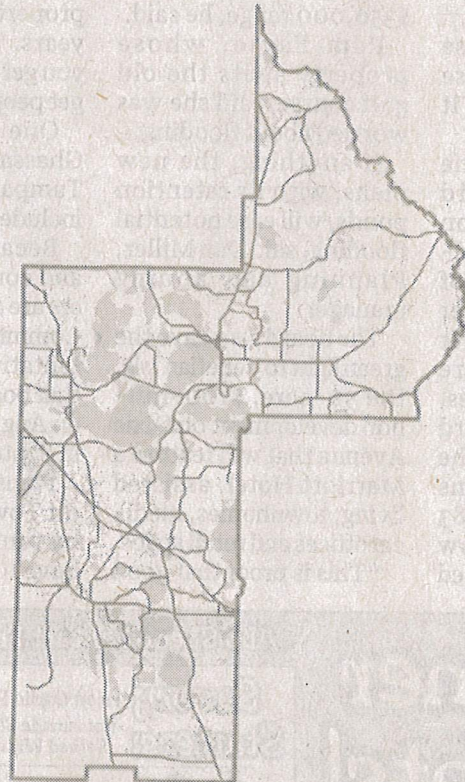
NOTICE OF PUBLIC HEARING ON COMPREHENSIVE PLAN TEXT AND MAP AMENDMENT

The Board of County Commissioners of Lake County, Florida, proposes to transmit the following ordinance to the Florida Department of Economic Opportunity, Division of Community Planning and Development:

ORDINANCE NO. 2018- XX
CP-18-14

PROTECTION OF SHORELINES

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING COMPREHENSIVE PLAN POLICY III-2.2.7, ENTITLED 'PROTECTION OF SHORELINES;' PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Public hearings on the ordinance will be held on **August 1, 2018** before the Planning & Zoning Board and on **August 21, 2018** before the Board of County Commissioners for **transmittal** to the Florida Department of Economic Opportunity, Division of Community Planning and Development at 9:00 a.m., or as soon thereafter, in the County Commission Chambers, 2nd Floor, Round Administration Building, 315 West Main Street, Tavares, Florida.

The proposed ordinance amending the 2030 Comprehensive Plan Future Land Use Map and the staff report for the proposed amendment shall be available for review at the Office of Planning and Zoning Division, 315 West Main Street, Tavares, Florida, 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding holidays.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if any person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this public hearing, he or she will need a record of the proceedings, and is advised that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Department of Facilities Development and Management at (352) 343-9760 at least 48 hours in advance of the public hearing.

Lake County Board of County Commissioners
Office of Planning & Zoning
352-343-9641

D044704 - July 20, 2018